

Attorney's Docket No.: 10559-504001/P11796

REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Claim amendments are presented herein to obviate the current rejection.

35 USC § 101

Claims 33 and 34 have been amended to clarify that instructions are embodied on a computer-readable medium.

35 USC § 103

Claims 1-14, 17-24, and 27-34 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Allison in view of Eichstaedt. These rejections are respectfully traversed.

The Office Action takes the position that Allison discloses all of the subject matter of claims 1, 12, 20, 24, 31, and 33 with the exception of unwanted communications being adapted to reduce the ability of the target device to respond to other communications (and Eichstaedt was cited as allegedly disclosing this aspect). However, it is respectfully submitted that Allison fails to disclose the subject matter recited by the claims.

Claim 1 recites generating information at first and second points of a network about unwanted communications passing

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through the first and second points from a source and directed to a target device, the unwanted communications being adapted to reduce the ability of the target device to respond to other communications, and analyzing the information generated at the first and second points to identify which of the points first carried the unwanted communications.

Allison describes an SMS discrimination module that examines sending party, calling party, and routing information contained in an SMS message in order to determine a source of a repeat SMS spam originator (see, inter alia, Allison col. 4, lines 56-60). The SMS discrimination module, when receiving an SMS, performs a lookup in an SMS message discrimination database to determine whether the receiving or sending party information contained within the SMS identifies the SMS as an unwanted message (see, inter alia, Allison claim 1). If the SMS message is unwanted, it is then discarded.

With Allison, a single node discrimination module filters out SMS messages based on the lookup table in a database. There is no suggestion that multiple discrimination nodes would be utilized at different points in a network and the communications passing therethrough would be used to determine which of the modules first received a communication. In other words, Allison simply discloses a filter that uses a lookup table to determine whether to deliver an SMS message. Accordingly, the

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combination of Allison with Eichstaedt fails to disclose all of the recited features of the claims.

Moreover, the skilled artisan would not have been motivated to combine Allison with Eichstaedt. Allison relates to a filter for selectively delivering SMS messages in order to avoid spam SMS messages. Eichstaedt, on the other hand, relates to handling of requests at a webserver, which requests can overcome a webserver and cause it to malfunction. First, Allison and Eichstaedt are from non-analogous arts. Allison relates to filtering out spam SMS messages. Eichstaedt relates to a denial of service attack in which there is no filtering of messages. Second, even if such references were combined, the skilled artisan would not have resulted in the claimed subject matter. Allison describes a node discrimination module which acts as a single point to filter out unwanted SMS messages. Eichstaedt relates to an arrangement in which requests from a certain IP address that have already been received by a webserver are denied if they exceed a certain amount. The lookup table of Allison combined with the known IP addresses of Eichstaedt does not result in the generation of information relating to unwanted communications passing through first and second points.

With the subject matter recited in the claims, a flood attack can be thwarted by promptly localizing an IP address of an attacking computer (by identifying the first point to receive

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an unwanted communication). Therefore, the flood attack may be contained by regulating or limiting communication through the first point to receive the unwanted communications. Such an arrangement provides a non-obvious improvement over the combination of Allison and Eichstaedt.

Accordingly, the claims should be allowable.

Concluding Comments

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

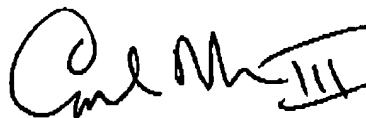
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Applicant asks that all claims be allowed. Please apply  
any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

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